

Comments on Docket: TMD-94-00-2

Deadline April 30, 1998

Comment Topic(s): Section Number(s)	Problem(s) with the Proposed Standard and/or the Organic Foods Production Act and Recommendations	The criticisms and recommendations offered in this row  
<p>Topics: Labeling General Section: 205.103</p>	<p>Free speech issue: The right of producers to honestly state their inputs and production processes is severely curtailed; this denies consumers the right to be fully informed when making purchasing decisions. It amounts to mandatory certification without allowances for differences of opinion. It is a problem with the law not just the standard. This section of the law should be amended to eliminate mandatory certification and allow truthful labeling, or be removed entirely.</p>	<p> </p>
<p>Topics: Equivalency State Programs Accreditation Certification Regulatory Impact Assessment Section: 205.401</p>	<p>States' rights/other certifiers' rights issue: A state may have more stringent requirements than the Standard but only for products produced or raised within that state and at USDA's discretion. There does not seem to be any allowance for 3rd party certifiers to have higher standards. This is a domestic version of NAFTA/GATT. Both parties should have the right to set higher standards and states should be able to restrict access of products which do not meet these higher standards, even if they meet the USDA standard or are confirmed as equivalent foreign products.</p>	<p> </p>
<p>Topic: Fees Sections: 205.421 205.422</p>	<p>The cost issue: USDA estimates of costs for initial certification are: Farmers and wild crafters: Total \$878, Handlers: Total \$1,910, Certifying Agents: Total \$30,131. These costs are wildly out of balance with the benefits of the proposed standard, especially for certifying agents who would be forced to certify as organic products and practices they know violate organic tenets. USDA should drastically lower the cost of certification and accreditation.</p>	<p> </p>
<p>Topic: Proposed Effective Date</p>	<p>Extension of the comment period issue: Is 135 days a long enough period for comment on a Standard which took USDA 7 years to release? Why did USDA release this during winter when producers and consumers have little or no contact with one another? The comment period should be extended further still. July 4th seems an appropriate date.</p>	<p> </p>
<p>Topics: National List, Livestock, Handling Sections: 205.22(d), 205.22(a)(9), and (a)(5), (c)(6), and (c)(1) etc., 205.13(a)(3), 205.14(b), and (b)(1), and (b)(2), 205.34(d), 205.26, 205.26, 205.17(a).</p>	<p>Synthetics issues: The proposed rule violates general prohibitions on use of synthetic substances in organic farming and handling as mandated in OFPA by proposing the use of: strains derived from genetically modified bacteria, Piperonyl butoxide (a toxic synergist), amino acids used as growth promoters, antibiotics used as pesticides, synthetic animal drugs and other health care substances, synthetic and genetically modified food additives and processing aids. All are active synthetic substances that cannot be considered for use under National List procedure. USDA should follow NCSB recommendations regarding synthetic substances.</p>	<p> </p>
<p>Topics: National List General, Crops Handling Regulatory Impact Assessment General Sections: 205.22(d) and 205.26 and in Supplemental Information</p>	<p>Genetically Manipulated Organisms (GMO) issue: The proposed rule violates National List procedure by opening for public comment, in Supplemental Information, use of GMOs in organic agriculture, also in contradiction to OFPA and NCSB authority entered "chrysin" on the National List. This could lead to an international boycott of US organics. The US may sue the EU or individual countries through the World Trade Organization (WTO) claiming their boycotts/higher standards are "in restraint of free trade." Leaving us with a lowest common denominator standard for the entire world. USDA should remove GMO's from consideration for use in organic agriculture and should use NCSB's comprehensive definition of genetic engineering to ensure that all GMO's will be banned as prohibited synthetics.</p>	<p> </p>
<p>Topics: Handling National List General In Supplemental Information.</p>	<p>Irradiation issue: USDA's proposed rule violates the National List procedure by opening for public comment use of "ionizing radiation" in organic food handling. (in Supplemental Information) USDA should remove irradiation from consideration for use in organic agriculture. NCSB ruled on this and the Department is precluded from exempting substances from the National List process. Further, no existing organic standard in the world, to our knowledge, allows irradiation.</p>	<p> </p>
<p>Topics: Crops Handling National List General In Supplemental Information.</p>	<p>Sewage sludge/"biosolids" issue: USDA's proposed rule violates the National List procedure by opening for public comment use of sewage sludge (in Supplemental Information) in organic agriculture. USDA should remove sewage sludge from consideration because NCSB ruled they were "synthetic" and "unacceptable" because of concerns about residues of pesticides, heavy metals, and other contaminants. USDA is precluded from exempting substances from the National List process. Further, no existing organic standard in the world, to our knowledge, allows their use.</p>	<p> </p>
<p>Topic: Livestock Sections: 205.13(a)(i) and (a)(1)(b), 205.13(a)(1)(iii)</p>	<p>Organic feed only issues: The standard violates the requirement for only organically grown feed use in livestock raised for "organically produced" meat, dairy, and egg production. It also violates the requirement of feeding dairy animals organically grown feed for 12 months prior to producing milk and dairy products labeled as organic. USDA should change offending sections to comply with OFPA and accepted organic practices.</p>	<p> </p>
<p>Topics: Livestock General</p>	<p>Animal Cannibalism issue: USDA's proposed rule does not prohibit re-feeding of rendered or otherwise processed animal protein to livestock. This process led to "Mad Cow Disease" in Great Britain. It is used in conventional meat operations in the United States and USDA would like to allow it for organic meat, dairy, and eggs. The National Standard should explicitly forbid the use of this dangerous practice in organic agriculture.</p>	<p> </p>